

DDG/2010R00396

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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|--------------------------|---|----------------------------|
| UNITED STATES OF AMERICA | : | Hon. Dennis M. Cavanaugh |
| | : | |
| v. | : | Criminal No. 10-572 (DMC) |
| | : | |
| PHIL A. SIMON | : | <u>Complex Trial Order</u> |

This matter having been opened to the Court on the joint application of Paul J. Fishman, United States Attorney (by Donna Gallucio, Assistant U.S. Attorney, appearing) and defendant Phil A. Simon (Olubukola Adetula, Esq., appearing), and good cause having been shown, the Court makes the following findings:

1. This case involves allegations of conspiracy to commit wire fraud and wire fraud which took place over a period of approximately three years.
2. The discovery in this case is extensive, in that it includes voluminous financial documents relating to more than two dozen real estate transactions.
3. The defendant and his counsel need time to review the voluminous discovery.
4. In light of these findings and due to the nature of the case and its complexity, it is unreasonable to expect adequate preparation for pretrial proceedings and trial within the time limits established by Title 18, United States Code, Section 3161;
5. Failure to grant a continuance would deny counsel for the defendant and the defendant and the government reasonable

time necessary for effective preparation of this case, taking into account the exercise of due diligence; and


6. The ends of justice served by a continuance of the trial date in this matter until February 22, 2011 outweigh the interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 26th day of October, 2010,


.ORDERED that the trial date in this matter is continued until February 22, 2011, and that the period of time from October 4, 2010, through February 22, 2011 shall be excluded for the purposes of computing time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(ii), and (h)(7)(B)(iv); and it is further

ORDERED that:

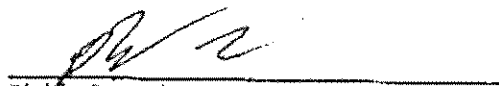
1. Defendant shall file pretrial motions on or before JANUARY 3, 2011;
2. The government shall respond to such motions on or before JANUARY 24, 2011;
3. ~~Defendant shall file any reply papers on or before~~
 , 2011;
4. The return date for pretrial motions shall be FEBRUARY 7, 2011, at 9:30 a.m.; and
5. Trial shall commence on February 22, 2011, at 9:00 a.m.


HON. DENNIS M. CAVANAUGH
United States District Judge

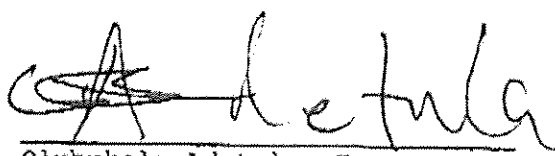
PAUL J. FISHMAN
United States Attorney


By: Donna Galluccio
Assistant U.S. Attorney

Date: 10/6/10


Phil A. Simon

Date: 10/6/10


Olubukola Adetula, Esq.
Attorney for Phil A. Simon

Date: 10/6/10